

CHARTER TOWNSHIP OF DELTA
Public Meeting Room A
Delta Township Administration Building
7710 West Saginaw Highway
Lansing MI 48917

**TOWNSHIP BOARD REGULAR MEETING MINUTES FOR
MONDAY, NOVEMBER 4, 2013**

I. CALL TO ORDER

II. OPENING CEREMONIES – Pledge of Allegiance

III. ROLL CALL

Members Present: Trustee Jeff Hicks, Trustee Dennis Fedewa, Trustee Karen Mojica, Treasurer Howard Pizzo, Clerk Mary Clark, Trustee Doug Kosinski and Supervisor Kenneth Fletcher.

Members Absent: None

Others Present: Community Development Director Mark Graham, Township Planner Chris Gruba, Fire Chief John Clark, Lieutenant Jeff Campbell, Utilities Director Tom Morrissey, Assistant Fire Chief Mike Roman, Sheriff Tom Reich, Finance Director Jeff Anderson, Township Manager Richard Watkins.

III. PRESENTATIONS AND PROCLAMATIONS

- a. **Life Saving Award** – Fire Chief Clark presented Sarah Adams with the Life Saving Award due to her extraordinary life saving efforts while she was at Applebee's.
- b. **Badge Pinning** – Fire Chief Clark stated that due to retirement, those listed below have been promoted to Engineer.
 - **Brian Beckwith** – pinned by his wife Michelle.
 - **Brent Davenport** – pinned by his wife Sarah.

Assistant Fire Chief Roman introduced the following:

- **Ryan Morrissey** – was pinned by his wife Crystal.
- **Mike Ruster** - was pinned by his daughters Ava and Liza.

V. SET/ADJUST AGENDA

TRUSTEE HICKS MOVED TO APPROVE THE AGENDA AS AMENDED BY THE NEW LANGUAGE PERTAINING TO THE EXECUTIVE SESSION IN SECTION 16, 10 OF THE AGENDA. TREASURER PIZZO SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

VI. PUBLIC HEARINGS

1. FY 2014 Budget

a. Public Hearing

Supervisor Fletcher introduced Finance Director Anderson who summarized the FY 2014 to be adopted. Director Anderson stated the General Fund is a balanced budget with revenues exceeding expenditures by \$14,000. A couple of highlights of the General Fund are that it does focus on the Strategic Plan, restores 3 full time firefighter positions, it funds a study for future park land, it includes \$125,000 for pathways and sidewalks. It also funds a replacement fire engine. There are monies available for rewriting the zoning ordinance as well as implementing clear zoning and other zoning type rewrites for the zoning department. The budget overfunds the other post employment benefit transfer to the trust fund by \$100,000 and that it also includes a 1% cost of living increase.

Finance Director Anderson stated the water and sewer funds budget continues to provide excellent service, addresses capital needs and anticipate only modest increases in rates.

Lastly, Finance Director Anderson stated that the Capital Projects Fund continues be funded appropriately for future purchases. Director Anderson also stated that the budget presentation format was changed to incorporate dialogue from department directors with the Township Board.

Supervisor Fletcher noted the Boards appreciation of the hard work that went into the budget and is pleased with the improvement compared to the last four years that include adding positions back into the budget as well as planning for future investments.

TRUSTEE HICKS MOVED TO CLOSE THE PUBLIC HEARING ON THE FY 2014 BUDGET. TRUSTEE MOJICA SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

b. Township Resolution

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA ADOPT THE BUDGET FOR 2014 BY APPROPRIATING FUNDS AS SPECIFIED IN THE PACKET.

TRUSTEE FEDEWA SUPPORTED THE MOTION.

ROLL CALL:

AYES: TRUSTEE FEDEWA, TRUSTEE HICKS, TRUSTEE KOSINSKI, TRUSTEE MOJICA, TREASURER PIZZO, CLERK CLARK AND SUPERVISOR FLETCHER.

NAYS: NONE

ABSENT: NONE

THE MOTION PASSED 7-0.

VII. COMMUNICATIONS

VIII. PUBLIC COMMENTS FOR ITEMS NOT ON AGENDA (*maximum two minutes*)

IX. INTRODUCTION OF ORDINANCES

2. Introduction of amendments to the Delta Township Fire Prevention and Protection Ordinance, Chapter 16, article II.

Supervisor Fletcher noted that the Public Safety Committee has reviewed and is in agreement to adopt the amendments. Fire Chief Clark stated that there aren't many additions; there were some clarifications and revisions – that mainly it brings the two ordinances in line with each other and more user friendly.

Treasurer Pizzo asked if the highlights included in the packet were new items, Fire Chief Clark noted that the highlights are either changes or new items. That some were in conflict with the building and plumbing code and others that contained grammatical errors.

Trustee Hicks asked how businesses are notified of changes. Fire Chief

Clark stated that it has been included in the IFC and is now part of the local code. Notifications will be done by Fire Inspector Roberts and posted on the Township website. The area most impacted is the hotel/motel industry which will be a high focus area. Fire Chief Clark stated that the intent of the code is for education not for enforcement purposes.

CLERK CLARK MOVED THE DELTA TOWNSHIP BOARD INTRODUCE AMENDMENTS TO THE DELTA TOWNSHIP FIRE PREVENTION AND PROTECTION ORDINANCE, CHAPTER 16, ARTICLE II, BY ADOPTING THE INTERNATIONAL FIRE CODE, 2012 EDITION IN ITS ENTIRETY, AND THE DELTA TOWNSHIP FIRE DEPARTMENT SUPPLEMENTAL RULES AND REGULATIONS, AND FURTHER, THE TOWNSHIP CLERK IS HEREBY DIRECTED TO ADVERTISE THIS INTRODUCTION IN LOCAL NEWSPAPERS.

Changes to the Fire Prevention Ordinance:

- **105.6.43 Temporary membrane structures, tents, and canopies:** An operational permit is required to erect or operate an air-supported temporary membrane structure or tent 200 square feet or larger, or a canopy 400 square feet or larger, except for structures used exclusively for camping. Tents shall not be erected for more than thirty (30) days in a single period or more than ninety (90) days in a calendar year.
- “Domestic Fire” changed to “Burning Barrel Fire”
- **307.6.4 Burning Barrel Fires:** Burning barrel fires may be permitted in areas zoned A-1 or A-2 any time during the calendar and may only be used between sunrise and sunset.
- “10 pound multi-purpose” added to further define 4A-60BC portable fire extinguishers
- 907.3.1 added: Duct smoke detectors connected to the fire alarm control until shall be a “smart” type detector capable of sending condition information and being reset from to fire alarm panel. Detectors shall, upon activation, perform the intended function and activate the alarm notification appliances or activate a visible and audible full alarm

- 907.6.5 **Monitoring:** Addition: An IP transmitter for fire alarm transmission is allowed but must be UL Standard listed. Any IP transmitters must have two modes of communication, one of which must be a POTS (Plain Old Telephone System) line.
- 1006.1 **Illumination required:** Addition: The emergency egress lighting shall be tested in dark conditions and witnessed by the Delta Township Electrical Inspector and/or the Fire code Official.

Changes to the Delta Township Fire Supplemental Rules and Regulations:

- Supplemental Rules re-numbered, labeled, and organized to coincide with the applicable 2012 IFC reference
- Standardized “Fire code official” instead of “authority having jurisdiction” and “Fire chief”
- S503.2.3 **Surface:** Facilities, buildings or portions of buildings shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 lbs.
- S505.2 **Street or road signs:** All street or roads (public or private) shall be identified with approved signs per the Eaton County Address Ordinance as amended in 2007
- S901.2 **Construction documents:** Sprinkler plans and water calculations shall be submitted electronically to the building and fire departments for review and approval prior to installation.
- S901.5 **Installation acceptance testing:** All tests to the system shall be witnessed by the fire code official and/or the mechanical/plumbing inspector.
- S903.4.2The audible and visual alarm shall both be installed a minimum of 12 feet high, or as approved by the fire code official.
- S907.4.2.5 **Protective covers:** Protective covers to prevent malicious false alarms are *required* for all new and remodel construction unless specifically authorized by the fire code official.

- **S907.6 Installation:** The audience for the audible and visual alarm activation shall be all suites and/or tenants within the same fire rated wall as the initiated alarm, including but not limited to water flow, duct, and detectors per NFPA 72.

TRUSTEE MOJICA SUPPORTED THE MOTION.

MOTION PASSED 7-0.

X. PASSAGE OF ORDINANCES

3. Adoption of Proposed Zoning Ordinance Amendments Pertaining to Pets, Livestock and Wild Animals.

The Community Development Department recommends that the text amendments be denied. Supervisor Fletcher stated that Nicole Schuiling was unable to be present and has requested that this item be tabled until the next Regular Board Meeting November 18, 2013.

TRUSTEE KOSINSKI MOVED TO POSTPONE ACTION ON THE PROPOSED ZONING ORDINANCE TEXT AMENDMENTS SUBMITTED BY NICOLE SHUILING PERTAINING TO PETS, LIVESTOCK, AND WILD ANIMALS UNTIL THE NOVEMBER 18, 2013 REGULAR BOARD MEETING.

Trustee Hicks asked whether Community Development Director Graham would like to update the Board regarding the recommendations from the Planning Commission. Director Graham stated that this ordinance amendment was initiated by a citizen to change definitions of livestock and pets and create new definitions for domestic and companion animals. The Planning Commission held a public hearing on October 14, 2013 and chose at that time to recommend denial of the amendments as submitted. However there was a second motion recommending the Board consider a new draft of the ordinance that follows closely the City of Midland's regulation of pot belly pigs. All documents pertaining have been enclosed. Director Graham noted that the Planning Commission recommend denial as submitted unanimously, however the Board can choose to review the alternative modeled after the City of Midland, which would then follow the same process from the beginning as the original proposal.

Trustee Hicks clarified the process to be that the only recommendation the Planning Commission made was to deny the amendments and that there is a friendly recommendation or question to the Board as to whether it wants to act in furtherance of some other type of changes and Director Graham agreed, further

stating that Ms. Shuiling's application must be voted on by the Board. The Board can then choose one of the 3 following options; do nothing, acknowledge receipt and proceed no further or acknowledge receipt and wish that the Planning Commission initiate action. Trustee Hicks asked if it was Ms. Shuiling who initiated action at the last Board meeting. Director Graham stated in was brought before the Zoning Appeals Board and tabled, an informal discussion occurred at a regular Board meeting with no consensus to proceed with the amendments at that time as there was no specific amendment or case pending at that time.

TRUSTEE MOJICA SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

XI. CONSENT AGENDA –

TREASURER PIZZO MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED.

TRUSTEE KOSINSKI SUPPORTED THE MOTION.

ROLL CALL:

AYES: TRUSTEE KOSINSKI, TRUSTEE HICKS, TRUSTEE MOJICA,
TREASURER PIZZO, CLERK CLARK, AND SUPERVISOR
FLETCHER.

NAYS: TRUSTEE FEDEWA

ABSENT: NONE

MOTION PASSED 6-1 (FEDEWA).

4. Bills and Financial Transactions - \$1,121,897.66.

Bond/Debt Payments	
Investments	
Payroll & Related	324,229.24
Refunds	11,366.20
Tax Distributions	
Vendor Claims	789,552.43
Total	\$ 1,121,897.66

TREASURER PIZZO MOVED THAT THE BILLS & FINANCIAL TRANSACTIONS BE APPROVED IN THE AMOUNT OF \$1,121,897.66.

TRUSTEE KOSINSKI SUPPORTED THE MOTION.

THE MOTION PASSED 6-1 (FEDEWA).

5. Minutes

October 21, 2013 Regular Board Meeting Minutes

TREASURER PIZZO MOVED TO APPROVE THE OCTOBER 21, 2013 REGULAR BOARD MEETING MINUTES AS PRESENTED.

TRUSTEE KOSINSKI SUPPORTED THE MOTION.

THE MOTION PASSED 6-1 (FEDEWA).

6. Acceptance of Eaton Senior Leasing, LLC (Ciena Healthcare) Utility Agreement.

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD APPROVE THE MUNICIPAL UTILITY AGREEMENT SUBMITTED BY EATON SENIOR LEASING, LLC (AKA CIENA HEALTHCARE) FOR THE EXTENSION OF A WATER AND SEWER FACILITIES TO SERVE THE PROPOSED REGENCY AT LANSING SKILLED NURSING FACILITY ON PROPERTY LOCATED AT 12200 BROADBENT ROAD IN SECTION 9 OF DELTA TOWNSHIP ON PARCEL NO. 040-009-300-024-00. I FURTHER MOVE THAT THE TOWNSHIP SUPERVISOR AND CLERK BE AUTHORIZED AND DIRECTED TO SIGN THE AGREEMENT ON BEHALF OF THE TOWNSHIP.

TRUSTEE KOSINSKI SUPPORTED THE MOTION.

THE MOTION PASSED 6-1 (FEDEWA).

7. Proposed 2014 Holiday Schedule

TREASURER PIZZO MOVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA APPROVE THE PROPOSED 2014 HOLIDAY SCHEDULE.

TRUSTEE KOSINSKI SUPPORTED THE MOTION.

THE MOTION PASSED 6-1 (FEDEWA).

8. Additional Credited Service for Donald Fox, Fire Department

TREASURER PIZZO MOVED THAT AS PROVIDED BY THE MERS PLAN DOCUMENT, THE TWENTY-ONE (21) MONTHS ADDITIONAL CREDITED SERVICE IS GRANTED THIS MEMBER BY RESOLUTION ADOPTED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA AT ITS MEETING ON NOVEMBER 4, 2013. IT IS UNDERSTOOD THAT CALCULATION OF THE ACTUARIAL COST IS BASED ON THE ASSUMPTIONS APPROVED BY THE MERS RETIREMENT BOARD ON THE DATE THE CALCULATION WAS PREPARED. ACTUAL, FUTURE EVENTS AND EXPERIENCE MAY RESULT IN CHANGES DIFFERENT FROM THOSE ASSUMED, AND LIABILITY DIFFERENT FROM THAT ESTIMATED, AND FURTHERMORE, THE EMPLOYEE (DONALD FOX) WILL BE RESPONSIBLE AND IS REQUIRED TO PAY THE FULL COST OF THE PURCHASE FOR THE CREDITED SERVICE.

TRUSTEE KOSINSKI SUPPORTED THE MOTION.

THE MOTION PASSED 6-1 (FEDEWA).

XII. ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION

XIII. ITEMS ADDED TO AGENDA UNDER SECTION V. SET/ADJUST AGENDA

XIV. ITEMS OF BUSINESS

XV. MANAGER'S REPORT

- Manager Watkins stated that progress is being made on the Huntington Acres project with most of the roads paved and hopefully completed this week.
- The Tri-County Regional Planning Commission filed an application for the Governor's Regional Prosperity Grant. The grant is for an action plan for a regional transit system in the Lansing region. Manager Watkins stated that it has been the consensus of those that have worked on this, and that the future of Economic Development depends on a regional transit system. Manager Watkins states that the intent is to have it back with approvals in early January 2014.
- Supervisor Fletcher noted that the Committee of the Whole meeting on November 11, 2012 is a joint meeting with the Grand Ledge Board of Education and will be held in the conference room of Fire Station 1 due to a Planning Commission meeting in Meeting room A.

XVI. COMMITTEE OF THE WHOLE

9. Resolution to call for action by the Michigan Legislature and Governor to amend the Elliott-Larsen Civil Rights Act.

Trustee Fedewa noted that the timing might be appropriate since the Township just passed its Non-Discrimination ordinance as well as a recent article in the Lansing State Journal. Trustee Fedewa stated that he has heard that there will be legislation coming forward until after the Primary Election in 2014. Trustee Fedewa believes that sending the resolution onto the Legislature and Governor sends a strong message that the Township is taking a strong and assertive role on this issue and hopes that the Board will support the resolution.

Trustee Hicks supports a resolution that mimics the Non-Discrimination ordinance that the Township has adopted without additions.

Treasurer Pizzo noted that the term family responsibility status is included, rather than familial status. Trustee Fedewa stated that the term family responsibility should have been removed.

Supervisor Fletcher asked for consensus on making the appropriate language changes and bringing it back for adoption at the next Regular Board meeting.

Trustee Kosinski stated that during his unavoidable absence he would like to commend the Board in taking action on the Non-Discrimination ordinance and also wanted to note his unequivocal support of that action. Trustee Kosinski noted that with the passage he believes the Township has made the statement that discrimination against anyone has no place in Delta Township. In relation, he stated that he supports the resolution put forward by Trustee Fedewa, in order to afford those protections statewide.

Clerk Clark stated that Delta Township was asked to provide a cost estimate to the County for providing County Wide Election worker training and received a call last week from the County indicating their desire to move forward with Delta Township providing that training. Delta Township will be billing out true cost for both Tracy Ruiz, Deputy Clerk and herself. Over 200 election workers will receive this training from smaller jurisdictions in the county. Training dates will be set in December 2013 for dates in 2014 prior to the elections.

10. Executive Session

CLERK CLARK MOVED THAT THE TOWNSHIP BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS NEGOTIATION STRATEGY WITH THE

NEGOTIATION OF A COLLECTIVE BARGAINING AGREEMENT WITH THE DELTA TOWNSHIP FIREFIGHTER'S UNION. THIS IS ALLOWED UNDER THE OPEN MEETINGS ACT, SECTION 15.26 ©, p.a. 267 OF 1976 AS AMENDED.

TRUSTEE HICKS SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

Adjourned to Executive Session at 6:40 p.m.

TREASURER PIZZO MOVED TO COME OUT OF EXECUTIVE SESSION AT 7:33 P.M.

TRUSTEE HICKS SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

XVII. PUBLIC COMMENTS –

Trustee Fedewa requested his following comments concerning the Non-Discrimination Ordinance discussed on October 21, 2013 be included in the minutes.

Trustee Fedewa commended the active participation of a wide breath of Delta residents concerning the proposed non-discrimination ordinance and recognized the deep passions people have on the issue.

He state the Board had listened, asked questions, received legal counsel and made many changes to clarify the intent and limitations of the ordinance, and felt the principled concerns of constitutionality, freedom of speech, and religious freedom had been appropriately addressed.

Trustee Fedewa stated the Board enacting a local ordinance is because of the inaction by our state legislature and governor and that proponents claim 70% of citizens support prohibiting discrimination based on sexual orientation. But felt it more efficient to [for] address this on the state level, rather than solely on a community-by-community level.

Trustee Fedewa also stated he recognized and agreed with the Michigan Department of Civil Rights conclusion that significant LGBT community discrimination does exist but felt a sanction of \$50 for violating the ordinance wasn't going to be enough of a deterrent.

XVIII. ADJOURNMENT

Supervisor Fletcher adjourned the meeting at 7:34 p.m.

CHARTER TOWNSHIP OF DELTA

KENNETH FLETCHER, SUPERVISOR

MARY CLARK, CLERK

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M:\Regular Board Meeting\BD\MIN\November 4, 2013
Minutes Approved: